S.B. CIVIL WRIT PETITION No.4218/2001
RADHEY SHYAM V/s THE STATE OF RAJ. & Ors

10.1.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Vijay Choudhary for the petitioner.
Shri V.S. Gurjar for the respondents.

This writ petition has been filed by Shri Radhey Shyam assailing the impugned order dated 28.7.2001 passed by the learned Addl. District Collector, Karauli, whereby revision petition filed by respondent No.3, Samay Singh has been allowed and it has been held that Patta issued in favour of the petitioner by Gram Panchayat, Kaima, Panchayat Samiti Nadoti, appears to be forged one. Learned Addl. District Collector, Karauli has given various reasons for arriving at such satisfaction. During the course of arguments, it transpired that the petitioner has already filed a civil suit in the court of Civil Judge (Jr. Div.)

- cum – Judicial Magistrate, Hindaun. In para 7 of the petition he has acknowledged the fact that the site was inspected by the Commissioner appointed by the court and the court has passed an order on 10.1.2001 directing the parties to maintain status quo. Even otherwise, whether or not the Patta issued to the petitioner is genuine or is forged one, are disputed questions of complex nature which can be appropriately gone into and adjudicated upon only by a civil court where the parties can lead evidence.

In the facts of the case, I do not find any good reason to entertain the writ petition. It is however clarified that the dismissal of the writ petition and observations made herein would not effect interest of either of the parties in the civil suit that may be pending as referred

above.

(Mohammad Rafiq),J.

Chauhan/